

REMARKS

The Official Action mailed December 4, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

Initially, the Official Action mailed December 4, 2006, appears to be incomplete and appears to be based at least in part on a previous version of the claims that included a recitation of "polyethylene naphthalate." The independent claims were substantively amended in the *Amendment* filed on September 8, 2006. However, as noted in detail below, the Official Action appears to be silent as to the amended features of the claims. As such, the Applicant respectfully requests issuance of a new non-final Official Action or Notice of Allowability, as appropriate. For at least the reasons set forth below, the Applicant respectfully submits that claims 39-61 and 66-69 are in condition for allowance.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 2, 2004; June 30, 2004; October 12, 2004; January 10, 2005; January 27, 2005; March 3, 2005; March 14, 2005; May 17, 2005; October 25, 2005; December 8, 2005; March 16, 2006; May 4, 2006; September 8, 2006; and September 18, 2006.

Claims 39-61 and 66-69 are pending in the present application, of which claims 39-58 are independent. Dependent claims 66-69 have been amended to correct a minor informality. Specifically, the dependency of claims 66-69 has been corrected to reflect the cancellation of claims 35-38 in the *Amendment* filed September 8, 2006. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action objects to the drawings under 37 C.F.R. § 1.84(p)(4) asserting that "reference characters '101' and '102' have both been used to designate PET film (page 6, lines 17-29)" (page 2, Paper No. 20061127). In response

to the Examiner's objection, the Applicant has corrected a typographical informality in the specification at page 6, line 23. Specifically, the Applicant has changed "PET film 102" to "PET film 101" which is consistent with other descriptions of the PET film in the specification. The Applicant respectfully submits that the drawings show all the features of the present claims and are supported by the specification. Accordingly, reconsideration and withdrawal of the objections are in order and respectfully requested.

Paragraph 3 of the Official Action rejects claims 39-61 and 66-69 under 35 U.S.C. § 112, first paragraph, asserting that "[t]he application as originally filed does not specifically support the claim limitation '... having an uneven surface[.]' The specification merely discloses that resinous layer 303 being used for planarizing resinous substrate 303 (3rd par. of page 5)" (page 3, Paper No. 20061127). The Applicant respectfully disagrees and traverses the assertion in the Official Action. As noted above, page 6 of the specification has been amended to correct a minor informality. The Applicant respectfully submits that the specification teaches that the acrylic resin layer 102 also serves to planarize the uneven surface of the PET film 101 (page 6, lines 21-23). Therefore, claims 39-61 and 66-69 are adequately described and supported in the specification. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

Paragraph 8 of the Official Action continues to reject claims 39, 41, 43, 45, 60, 66 and 67 as obvious based on the combination of Wakai '644 and Utsumi. Paragraph 9 of the Official Action continues to reject claims 39, 41, 43, 45, 60, 66 and 67 as obvious based on the combination of Nishiki and Utsumi. Paragraph 10 of the Official Action continues to reject claims 40, 42, 44, 46, 60, 61, 66 and 67 as obvious based on the combination of Wakai '644 and Utsumi. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. The Official Action relies on Utsumi for teaching "a display device having a pair of resinous substrates facing each other, wherein at least one of the pair of resinous substrates comprises polyethylene naphthalate" (pages 4-9, Paper No. 20061127). However, "polyethylene naphthalate" is no longer recited in the independent claims. Rather, the independent claims recite a pair of resinous or flexible substrates facing each other and having an uneven surface; a resinous layer formed on at least one of the pair of resinous or flexible substrates, wherein the resinous layer planarizes the uneven surface.

Beyond unsubstantiated assertions, i.e. "a pair of substrates 101/116 ... having an uneven surface" (page 4, Id.) and "a pair of substrates 21/31 ... having an uneven surface" (page 5, Id.), the Official Action fails to address the amended features of the independent claims. Specifically, the Official Action does not explain how the prior art teaches or suggests that a resinous layer planarizes an uneven surface of a pair of

resinous or flexible substrates. The Applicant respectfully submits that Wakai '644 or Nishiki and Utsumi do not teach or suggest the above-referenced features of the independent claims.

Also, regarding the rejections based on Nishiki, the independent claims recite a thin film transistor formed over a resinous layer. The Official Action appears to rely on switching element 15 and insulating layer 57 of Nishiki to allegedly teach the thin film transistor and resinous layer of the present claims (page 5, *Id.*). However, the switching element 15 in Nishiki is not formed over the insulating layer 57. Therefore, Nishiki and Utsumi do not teach or suggest a thin film transistor formed over a resinous layer as asserted in the Official Action.

Further, regarding the rejections based on Wakai '644, the independent claims recite a resinous layer formed on at least one of the pair of resinous or flexible substrates. The Official Action appears to rely on transparent film 108 of Wakai '644 to allegedly teach the resinous layer of the present claims (pages 4 and 6-9, *Id.*). However, the transparent film 108 of Wakai '644 is not formed on the substrate 101. Therefore, Wakai '644 and Utsumi do not teach or suggest a resinous layer formed on at least one of the pair of resinous or flexible substrates.

Since Wakai '644 or Nishiki and Utsumi do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

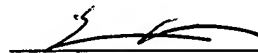
Paragraph 11 of the Official Action rejects claims 47, 49, 51, 53, 55, 57, 59, 60, 66 and 67 as obvious based on the combination of Wakai '644, Wakai '137 and Utsumi. Paragraph 12 of the Official Action rejects claims 48, 50, 52, 54, 56, 58-60, 66 and 67 as obvious based on the combination of Wakai '644, Utsumi and Wakai '137. Paragraph 10 (second occurrence, page 10) of the Official Action rejects claim 61 as obvious based on the combination of Wakai '644, Utsumi and Takenouchi. Paragraph

13 of the Official Action rejects claim 61 as obvious based on the combination of Wakai '644, Wakai '137, Utsumi and Takenouchi.

Wakai '137 and Takenouchi do not cure the deficiencies in Wakai '644 or Nishiki and Utsumi. Wakai '137 teaches a glass substrate 1, 21 or 61 and is relied upon to allegedly teach excimer laser light (page 8, Paper No. 20061127). Takenouchi is relied upon to allegedly teach the particular composition of a resinous layer (page 10, *Id.*). However, Wakai '644 or Nishiki and Utsumi, Wakai '137 and Takenouchi, either alone or in combination, do not teach or suggest a pair of resinous or flexible substrates facing each other and having an uneven surface; a resinous layer formed on at least one of the pair of resinous or flexible substrates, wherein the resinous layer planarizes the uneven surface. Since Wakai '644 or Nishiki and Utsumi, Wakai '137 and Takenouchi do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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